

Message Text

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22-11

ORIGIN ARA-03

INFO OCT-01 ISO-00 /004 R

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APPROVED BY: ARA/LA/CAR:TJCHEAVNER

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TO AMEMBASSY NASSAU

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FOLLOWING REPEAT STATE 292906 ACTION BRASILIA INFO
MEXICO TEGUCIGALPA MANAGUA RIO DE JANEIRO SAO PAULO
RECIFE SALVADOR DTD 12 DEC

QTE

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E.O. 11652: N/A

TAGS:EFIS, BR

SUBJECT: CONSERVATION REGULATIONS FOR SPINY LOBSTER

REF: (A) STATE 226780, B) BRASILIA 10108

1. H.R. 2473, A BILL TO PROTECT JUVENILE AND EGG BEARING
SPINY LOBSTERS, IS STILL PENDING IN HOUSE MERCHANT MARINE
AND FISHERIES COMMITTEE. IT IS UNCLEAR AT THIS TIME WHAT
WILL BECOME OF LEGISLATION, WHICH HAS BEEN AMENDED TO ALLOW
IMPORTATION OF ANY LOBSTER TAKEN IN ACCORDANCE WITH LAWS OF
COUNTRY OF ORIGIN OF LOBSTER. THIS AMENDMENT WOULD PRE-
SUMABLY RESOLVE PROBLEM OF NORTHEAST BRAZIL FISHERMEN WHO
WISH TO EXPORT TO U.S., BUT IS TROUBLESOME TO MANY IN
COMMITTEE, INCLUDING ORIGINAL SPONSORS OF BILL. FURTHER
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ACTION ON BILL IS APPARENTLY WAITING FOR FLORIDA CONGRES-

SIONAL DELEGATION TO DECIDE WHICH WAY THEY WANT TO GO.

2. DEPT. TESTIFIED IN FAVOR OF LEGISLATION LAST JULY, PRIOR TO AMENDMENT MENTIONED PARAGRAPH 1. AT THAT TIME BILL WOULD HAVE PROHIBITED IMPORTS AND CATCHES OF LOBSTER WHICH CONSISTED OF MORE THAN 2 PERCENT OF EITHER EGG-BEARING LOBSTER OR JUVENILE LOBSTER HAVING CARAPACE MEASUREMENT OF

LESS THAN 3 INCHES OR A TAIL MEASUREMENT OF LESS THAN 5 1/2 INCHES. THESE MEASURES REMAIN IN BILL, ALTHOUGH IMPORT EXCEPTIONS ARE PROVIDED FOR BY RECENT AMENDMENT. DEPARTMENT'S VIEW WAS THAT THESE MEASURES WERE MINIMUM NECESSARY FOR CONSERVATION AND WOULD SERVE TO ESTABLISH A MINIMUM AND UNIFORM STANDARD FOR THE PROTECTION OF THE SPINY LOBSTER.

3. BECAUSE IMPORT PROHIBITIONS IN ORIGINAL BILL WERE FOR

THE PURPOSE OF CONSERVATION, DEPARTMENT'S VIEW IS THAT SUCH PROHIBITIONS WOULD NOT BE NON-TARIFF BARRIER AND WOULD BE CONSISTENT WITH US GATT OBLIGATIONS. DEPT WILL ENDEAVOR TO KEEP EMBASSY INFORMED AS TO STATUS OF BILL.

4. FYI- SENATE ADVISED RATIFICATION OF US-BRAZIL SHRIMP AGREEMENT OCTOBER 28. AGREEMENT PRESENTLY AT WHITE HOUSE FOR RATIFICATION BY PRESIDENT. INGERSOLL UNQUOTE INGERSOLL

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